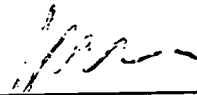


10/681, 580

Applicant respectfully requests the withdrawing of the finality of the subject Office Action since the earlier application was also subject to a restriction requirement and the claims examined on the merits in the earlier application were not the ones at issue in this application. Since the claims of both the earlier application and the subject application were subject to a restriction requirement, they are by definition patentably distinct and are not drawn to the same invention.

Favorable action is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was transmitted via U.S. Express Mail (No. ED400304555US) to: Commissioner for Patents, P.O. Box 1450, Alexandria 22313-1450 on this the 16th day of February, 2005.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.



Stefan V. Stein

cc: Halkey-Roberts Corporation